



# CITY OF DULUTH

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

## STAFF REPORT

<b>File Number</b>	PL 14-178	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov
<b>Application Type</b>	Special Use Permit	<b>Planning Commission Date</b>	January 13, 2015
<b>Deadline for Action</b>	<b>Application Date</b>	December 11, 2014	<b>60 Days</b> February 9, 2015
	<b>Date Extension Letter Mailed</b>	December 17, 2014	<b>120 Days</b> April 10, 2015
<b>Location of Subject</b>	410 N Arlington Avenue		
<b>Applicant</b>	Melissa Reisdorf	<b>Contact</b>	213-6622, littleheartspreschoolllc@gmail.com
<b>Agent</b>	N/A	<b>Contact</b>	N/A
<b>Legal Description</b>	N/A		
<b>Site Visit Date</b>	December 31, 2014	<b>Sign Notice Date</b>	December 29, 2014
<b>Neighbor Letter Date</b>	December 19, 2014	<b>Number of Letters Sent</b>	38

### Proposal

Applicant would like to start a day care center in an existing church building to provide care for up to 85 children.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Church	Traditional Neighborhood
<b>North</b>	R-1	Single-family residential	Traditional Neighborhood
<b>South</b>	R-2	Multi-family residential	Traditional N'hood/Central Business Secondary
<b>East</b>	R-1	Single-family residential	Traditional Neighborhood
<b>West</b>	R-1	Single-family residential	Traditional Neighborhood

### Summary of Code Requirements (reference section with a brief description):

Section 50-19.8. A Day care facility, large (15 or more) is a special use in R-1.

UDC Section 50-37.10. Special Use Permits. The Planning Commission shall approve the application or approve it with modifications if the commission determines that the application meets the following criteria:

1. The application is consistent with the Comprehensive Land Use Plan;
2. The application complies with all applicable provisions of this Chapter, including without limitation any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area;
3. Without limiting the previous criteria, the commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

III. D-1



## **Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):**

Principle #8 - Encourage mix of activities, uses and densities.

Future Land Use - Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses.

On September 11, 2012, a Special Use Permit was granted to the applicant for providing a day care at this location. The approval lapsed pending building improvements such as a sprinkler system. This proposal is essentially identical to the one previously approved; minor differences include construction to accommodate a fire sprinkler and alarm system, and accommodation of slightly more children (current application seeks up to 85 children; previous application approved up to 60).

## **Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

Staff finds that:

- 1) Holy Cross Lutheran Church was built in 1959. Applicant is proposing a day care facility providing care for up to 85 children. This day care facility would use existing classrooms in the church. No construction would be needed other than that for required building code improvements (alarm system and fire sprinklers).
- 2) A day care use is consistent with the future land use of Traditional Neighborhood. Arlington Avenue is a County road that functions as a Minor Arterial, designed to accommodate heavier amounts of traffic than residential roads, so additional traffic resulting from a day care will not impact nearby residential streets. Per St. Louis County Engineering, no change in access to Arlington Avenue would be granted.
- 3) The day care facility will be licensed by the state. Proposed operating hours are Monday - Friday, 6:00 am - 6:00 pm.
- 4) Parking and Loading - Plenty of parking is provided on-site for both the church and day care. A total of 58 parking spaces exist currently. As the church seats 120 people, the minimum parking requirement is 30 spaces. The minimum parking required for the day care is 17 spaces.
- 5) Landscaping, screening, sustainability, and building design standards are not triggered by this proposal.
- 6) Signage - Applicant would need to apply for and receive a sign permit for any signage desired.
- 7) Exterior Lighting - No additional exterior lighting is proposed.
- 8) No additional public, agency, or City comments were received.
- 9) An approved Special Use Permit will expire if the project or activity authorized by the permit is not begun within 1 year.

## **Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, staff recommends approval of the Special Use Permit subject to the following conditions:

- 1) The day care is limited to a maximum of 85 children.
- 2) The day care shall operate on weekdays only, no earlier than 6:00 am and no later than 6:00 pm.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

D-2

**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**





**City Planning**  
PL 14-178  
Special Use Permit  
410 N Arlington Ave

**Legend**

- Trout Stream (GPS)
- Other Stream (GPS)
- Utility Easement
- Other Easement
- Vacated ROW
- Road or Alley ROW

**Water Distribution System**

- 30" - 60" Water Pipe
- 16" - 24" Water Pipe
- 4" - 6" Water Pipe

**Network Structure**

- Storage Basin
- Pump Station

**Sanitary Sewer Collection System**

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storm Sewer Catch Basin

**Subtype**

- Storm Sewer Pipe

**Gas Distribution Main**

**Nominal Diameter**

- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

**Shoreland (UDC)**

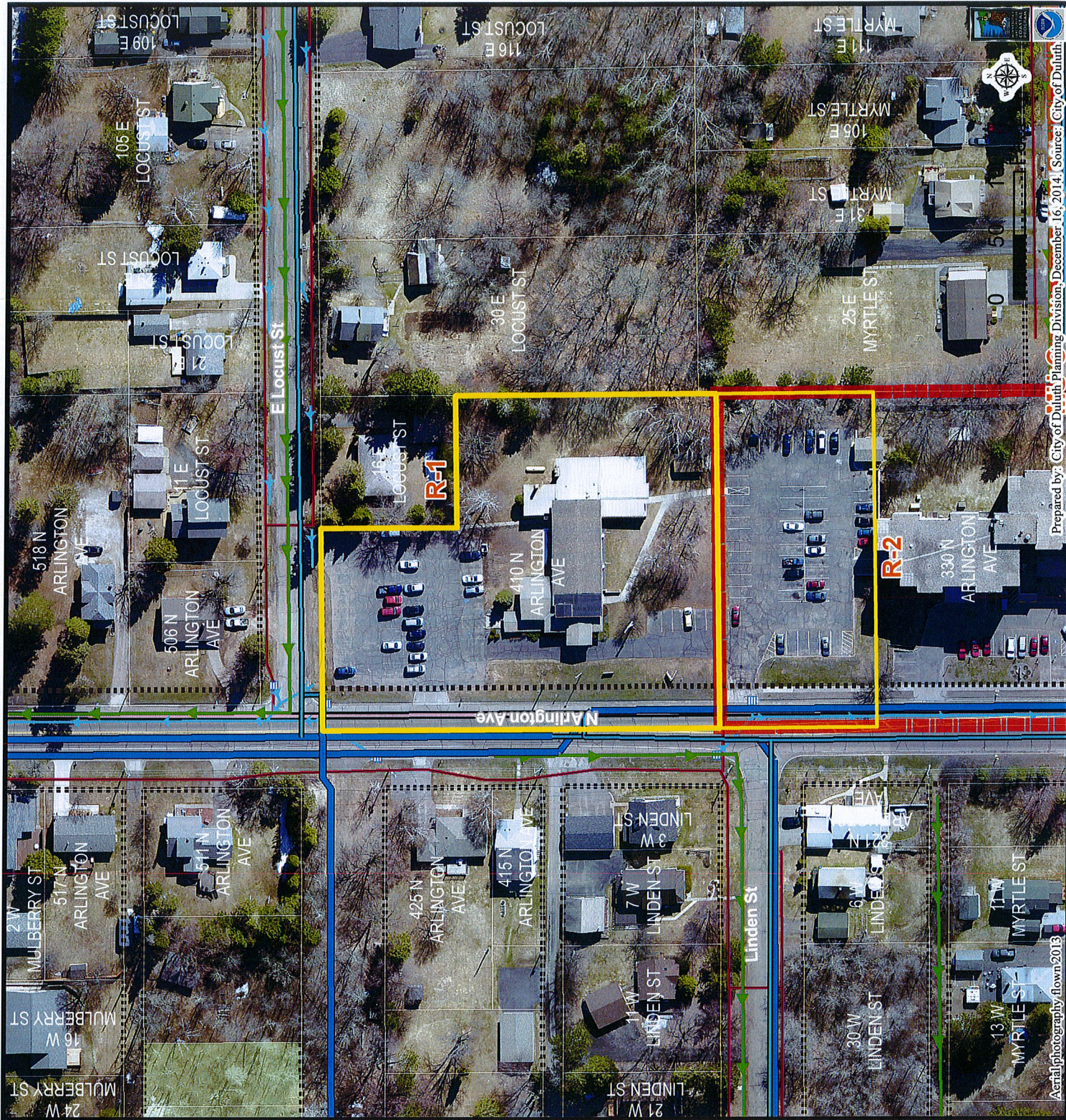
- Cold Water
- Natural Environment
- General Development

**Floodplain (UDC)**

- General Flood Plain
- Flood Way
- Flood Fringe

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

D-3





E. LOCUST STREET

ARLINGTON AVE.

CHURCH  
PARKING

RESIDENTIAL

RESIDENTIAL

UNOCCUPIED

DAY CARE

PLAY AREA 20'X30'

RESIDENT

CHURCH  
PARKING

CHURCH  
CHURCH

RESIDENTIAL

D-4

December 11, 2014

To Whom it May Concern,

We are requesting a Special Use Permit to operate a Preschool/Daycare Center out of Holy Cross Lutheran Church located at 410 North Arlington Avenue in Duluth. The Center will use existing rooms in the church, and could expand up to 85 children. Based on our meetings with City Planning, the only construction is to put in a fire sprinkler and alarm system. We will be using the existing playground behind the church. The playground is fenced in and at the farthest point away from neighbors.

The church already does numerous events such as boy scouts, funerals, weddings, youth groups and various meetings throughout the week, so the traffic level should not change drastically. The Daycare Center will follow the proper licensing procedures and will be licensed by the state.

Having a Preschool/Daycare Center in this neighborhood will have a positive impact because there is such a need for quality childcare. We will create 10-15 new jobs in the area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melissa Reisdorf', with a large, stylized flourish at the end.

Melissa Reisdorf

Director

218-213-6622

littleheartspreschoollc@gmail.com

D-5



410 N Arlington Ave.

Site Photos



Front of church



Proposed daycare area



Play area

D-6